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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,079	10/07/2003	Kwan-Ho Chan	CHAN-33 CON	9937
44270	7590	11/19/2007		
MEDICINELODGE INC. 180 SOUTH 600 WEST LOGAN, UT 84321				
			EXAMINER WOO, JULIAN W	
			ART UNIT 3773	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/680,079

Examiner

Julian W. Woo

Applicant(s)

CHAN, KWAN-HO

Art Unit

3773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 29 August 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).


b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____


JULIAN W. WOO
PRIMARY EXAMINER

For the purposes of appeal: Claim 36 would be rejected under 35 U.S.C. 102(b) as being anticipated by Violante (3,840,017). Claims 31, 38, and 39 would be rejected under 35 U.S.C. 103(a) as being unpatentable over Violante (3,840,017) in view of Burkhardt et al. (5,681,333). Claim 32 would be rejected under 35 U.S.C. 103(a) as being unpatentable over Violante (3,840,017) in view of Burkhardt et al. (5,681,333), and further in view of Goldrath (5,330,488).